

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-20104-CR-JEM(s)(s)(s)

UNITED STATES OF AMERICA

vs.

ARCANGEL PRETEL ORTIZ *et al.*,

Defendants.

_____ /

MOTION FOR CONTINUANCE OF SECTION 2 HEARING

NOW COMES the United States of America, by and through its undersigned counsel, and respectfully requests that the Court continue the date previously set for the hearing required by Section 2 of the Classified Information Procedures Act (“CIPA”), 18 U.S.C. App. III, to June 20, 2023. Prior to making this motion, the undersigned conferred with counsel for defendants ARCANGEL PRETEL ORTIZ (“ORTIZ”), ANTONIO INTRIAGO (“INTRIAGO”), WALTER VEINTEMILLA (“VEINTEMILLA”), JAMES SOLAGES (“SOLAGES”), JOSEPH JOEL JOHN (“JOHN”), JOSEPH VINCENT (“VINCENT”), GERMAN ALEJANDRO RIVERA GARCIA (“RIVERA”), and MARIO ANTONIO PALACIOS PALACIOS (“PALACIOS”), CHRISTIAN SANON (“SANON”), and FREDERICK JOSEPH BERGMANN, Jr. (“BERGMANN”) (together, the “defendants”), and makes the below motion with the consent of the defendants. In support of this motion, the Government states as follows:

1. On May 18, 2023, the United States moved, pursuant to CIPA Section 2, for a hearing at which the Court would set a schedule to address, *inter alia*, the date by which the United States would file its anticipated motion for a protective order, *ex parte*, *in camera*, and under seal,

pursuant to Section 4 of CIPA. (*See* Dkt. No. 270, at 14-15.) The United States requested that if convenient for the Court, the Section 2 hearing take place on June 20, 2023, a date on which the parties are already scheduled to appear for a status conference. (*Id.*) In addition, the United States moved to appoint a new lead Classified Information Security Officer (“CISO”) and to update the list of those granted permission to assist the Court as alternate CISOs. (*Id.* at 15.)

2. The next day, the Court entered a minute order setting the Section 2 conference for June 7, 2023. (Dkt. No. 271.) The Court has not yet appointed a new lead CISO.

3. The United States now respectfully moves to continue the Section 2 hearing in order to consolidate it with the previously scheduled status conference, set to take place on June 20, 2023 for the following reasons:

4. *First*, the United States been working diligently to address potential issues of classified discovery since before any defendant was charged in this case. Thus, the United States is already in the process of analyzing the information obtained in response to various Prudential Search Requests issued in this case, and requests this additional time to complete that review in order to provide the Court with the most accurate information about scope and size of classified discovery to be addressed in CIPA Section 4. In addition, the United States is represented in this matter by Trial Attorneys in the National Security Division, as well as by Assistant U.S. Attorneys in the Southern District of Florida. Those primarily responsible for handling the classified discovery and CIPA practice in this case will be unable to appear in person June 7, 2023: one will be out of the country, and the other has a pre-existing professional engagement outside of the district. A continuance of the Section 2 hearing to June 20, 2023 will allow all of the undersigned to appear in person to fully address any questions posed by the Court.

5. *Second*, the United States has conferred with the proposed lead CISO, Ms. Daniella Medel, who has advised the undersigned that to the extent the Court wishes to address issues relating to the classified discovery in an *ex parte, in camera* proceeding, she is available to appear in person on June 20, 2023, and will make whatever arrangements are necessary to ensure the Court can hold such a proceeding in a manner that will adequately protect classified information.

6. *Third*, and most importantly, some (and potentially all) of the Section 2 hearing will be public and should take place in the presence of the defendants and their counsel. Accordingly, the United States conferred with defense counsel, who consent to the requested continuance in order to facilitate their in-person appearance at the public portion of the Section 2 hearing.

7. For all of these reasons, the United States respectfully requests that the Section 2 hearing be continued and incorporated into the previously scheduled status conference, to take place on June 20, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 25, 2023, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF.

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